

Licensing Committee
20 May 2008

IRVINE, 20 May 2008 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

William Gibson, Elisabeth Marshall, Robert Barr, Ian Clarkson, Ruby Kirkwood, John Moffat, Alan Munro, Ryan Oldfather, Robert Rae and Joan Sturgeon.

In Attendance

N. Alexander, Chief Legal Officer (Licensing and District Court), D. Wallace, Enforcement Officer and A. Toal, Administrative Assistant (Legal and Protective); and P. Shiach, Corporate Support Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

1. Declaration of Interest

Councillor Munro declared an interest in item 2 Appendix A on the Agenda, and took no part in the determination of the applications

2. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Assistant Chief Executive (Legal and Protective on (a) applications for the grant or renewal of licences and permits; (b) issues arising in respect of existing licences; and (c) Hearings which required to be determined by the Committee.

The Committee agreed to dispose of these matters as indicated in the attached Appendix LC1.

The meeting ended at 4.30 p.m.

PART A
Late Hours Catering Licence

1. LHCL/084 (Variation) Nasir Gulem

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Private Hire Car Drivers Licence

1. PHCDL/019 (Renewal) John Montgomery

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Street Traders Licence

1. STL/0/261 (New) David Duncan McIntyre

The Committee unanimously agreed (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) in terms of Paragraph 8 (2) (b) of the said Schedule to fix the period of the licence to 1 year.

Taxi Drivers Licence

1. TDL/01163 (Renewal) Gordon Kearney Fisher

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TDL/01429 (New) Alexander William Gamble McMeekin

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. TDL/01436 (New) Donald Ellingham

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. TDL/01445 (New) Derek James Porter

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic

Government (Scotland) Act 1982.

5. TDL/01442 (New) Ian Ronald Chambers

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. TDL/01447 (New) James Samuel Graham

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

7. TDL/01449 (New) Thomas H Campbell

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

8. TDL/01451 (New) Brian Taylor

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

9. TDL/01454 (New) Ronald Smallridge

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

10. TDL/01456 (New) Denis Rourke

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

11. TDL/01457 (New) Gordon Howe

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B

Issues in respect of Existing Licences

Taxi Drivers Licences

1. TDL/00064 Samuel Dean

The Committee agreed, on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TDL/00440 Ronald Strain Ballantyne

The Committee agreed, on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic

Government (Scotland) Act 1982.

PART C

Hearings

1. ISEL/004 & PEL/047 North Ayrshire Leisure: Garnock Swimming Pool

The Committee at its meeting held on 10 June 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. ISEL/005 & PEL/048 North Ayrshire Leisure: Vikingar

The Committee at its meeting held on 10 June 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. ISEL/007 & PEL/050 North Ayrshire Leisure: Auchenharvie Leisure Centre

The Committee at its meeting held on 10 June 2008 unanimously agreed on the

basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. ISEL/008 & PEL/052 North Ayrshire Leisure: Ladeside Pavilion

The Committee at its meeting held on 10 June 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. ISEL/009 & PEL/009 North Ayrshire Leisure: Magnum Leisure Centre

The Committee at its meeting held on 10 June 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the

Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. PEL/053 North Ayrshire Leisure: Recreation Park

The Committee at its meeting held on 10 June 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicants, having been duly cited to attend, were present at the Hearing and were represented. The Council's Chief Building Standards Officer was also in attendance.

The Senior Solicitor (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that both Strathclyde Police and Strathclyde Fire and Rescue had withdrawn their previous comments. The Chief Building Standards Officer confirmed that he had no comment to make on the application.

Decision

The Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

7. PEL/067 (variation) North Ayrshire Leisure: Volunteer Rooms

North Ayrshire Council Education Services as holder of a Public Entertainment Licence in respect of the Volunteer Rooms, Irvine, has applied for a temporary variation of that licence with regard to the terminal hour, seeking an extension until 2:00am of Thursday 21 Friday 22 August, and Saturday 23 August 2008.

The applicant, having been duly cited to attend, was present by Mr R McCallum, Educational Services at the Hearing.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant.

The applicant then addressed the Committee on the reasons for the application and responded to questions from Members. The applicant then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision

Decision

The Committee agreed to the undernoted variation to the terminal hour in terms of the Public Entertainment Licence for the Volunteer Rooms, Irvine :-

Thursday 21 August 2008 until 2:00am

Friday 22 August 2008 until 2:00am

Saturday 23 August 2008 until 2:00am

8. TDL/01188 Kenneth Alexander MacDonald

The Committee at its meeting held on 10 June 2008, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited was present at the hearing. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing and District Court) set out the background to the hearing as previously intimated in writing to the applicant.

The representatives of Strathclyde Police addressed the Committee of the terms of a letter dated 17 March 2008 which set out the Chief Constable's observations on the application.

The applicant addressed the Committee on the issues raised and responded to questions.

The applicant and the representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982. The applicant was further advised that should he submit an application for renewal of his licence, which expires in October 2008, any such renewal would be restricted to 1 year.

9. TDL/01417 (New) Robert Allan Laurie

The Committee at its meeting held on 20 May 2008, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited was present at the hearing accompanied by his solicitor, Mr Maxwell. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing and District Court) set out the background to the hearing as previously intimated in writing to the applicant.

The representatives of Strathclyde Police addressed the Committee of the terms of letters dated 14 and 29 April 2008 which set out the Chief Constable's observations on the application.

Mr Maxwell addressed the Committee on behalf of his client on the issues raised and responded to questions.

The applicant, his representative and the representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Councillor Clarkson, seconded by Councillor Sturgeon moved that the application should be refused on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

As an amendment, Councillor Munro, seconded by Councillor Moffat, moved that the application should be granted but for a restricted period of 1 year.

On a division there voted 6 for the amendment and 3 for the motion , and the amendment was declared carried.

Decision

Accordingly the Committee agreed to grant the application for a period of 1 year subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**10. TDL/01287 Freda Burns
 Gordon Fisher
 James A Williamson**

The Committee at its meeting held on 20 May 2008, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holders were present at the hearing accompanied by their solicitor, Mr White. Representatives from Strathclyde Police were also in attendance.

The Solicitor (Licensing and District Court) set out the background to the hearing as previously intimated in writing to the applicant.

The Solicitor for the licence holders referred in particular to Mr Fisher, intimated that notice to his client had not been properly served and therefore the hearing was not competent at this time.

The licence holders, their representative and the representatives of Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

That consideration of the suspension hearings in relation to Freda Burns, Gordon Fisher and James A Williamson be continued to allow notice to be properly served on the licence holders.

PART A

Indoor Sports Entertainment Licences and Public Entertainment Licences

Applicant: North Ayrshire Leisure

1. ISEL/002 (Renewal) Annick Pavilion

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. PEL/045 (Renewal) Annick Pavilion

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. ISEL/004 (Renewal) Garnock Swimming Pool

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

4. PEL/047 (Renewal) Garnock Swimming Pool

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

5. ISEL/005 (Renewal) Vikingar

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

6. PEL/048 (Renewal) Vikingar

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

7. ISEL/007 (Renewal) Auchenharvie Leisure Centre

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

8. PEL/050 (Renewal) Auchenharvie Leisure Centre

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

9. ISEL/008 (Renewal) Ladeside Pavilion

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

10. PEL/052 (Renewal) Ladeside Pavilion

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

11. ISEL/009 (Renewal) Magnum Leisure Centre

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

12. PEL/051 (Renewal) Magnum Leisure Centre

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

13. PEL/053 (Renewal) Recreation Park Pavilion

The Committee agreed to continue the matter to the next meeting for further information in relation to issues identified by Building Services and Strathclyde Fire and Rescue.

Metal Dealer Licence

1. MDL/011 Itinerant (New) Alexander Lowther

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Street Trader Licences

1. STL/E/168 (Renewal) Neil David McIntyre

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. STL/O/260 (New) Margaret Karen Taylor

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Taxi Driver Licences

1. TDL/01330 (New) Margaret Cunningham

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TDL/01417 (New) Robert Allan Laurie

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. TDL/01418 (New) Mary Myra Craig

The Committee unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. TDL/01423 (New) John Brannigan Cooper

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. TDL/01427 (New) Stephen David English

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. TDL/01429 (New) Alexander William Gamble McMeeken

The Committee unanimously agreed that consideration of the application be continued.

7. TDL/01430 (New) Debbie-Jane Reyes

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

8. TDL/01431 (New) David Stuart Conway

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B

Issues in respect of Existing Licences

Taxi Driver's Licences

1. TDL/291 James Archibald Williamson

The Committee agreed to continue the matter to the next meeting for further information in relation to the conviction reported to the Licensing Section by the licence holder.

2. TDL/1163 Gordon Kearney Fisher

The Committee agreed to continue the matter to the next meeting for further information in relation to the conviction reported to the Licensing Section by the licence holder.

3. TDL/1287 Freda Bolds Morgan Burns

The Committee agreed to continue the matter to the next meeting for further information in relation to the conviction reported to the Licensing Section by the licence holder.

PART C

Hearings

1. PHCL/269 (New) Anne Power

The Committee at its meeting held on 29 April 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was not present at the Hearing. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant.

Decision

The Committee unanimously agreed that consideration be continued to the next meeting

2. STL/O/237 (Variation) Ian & Stacey Anderson

The Committee at its meeting held on 29 April 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present at the Hearing. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant then addressed the Committee on the issues raised and responded to questions.

The applicant withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to grant the application for the variation of a Street Trader Operator's licence in relation to Stewart Street, Millport and Kilwinning Road, Irvine, opposite the Golf Hotel. The Committee further unanimously agreed that the application in relation to Dockhead Street, Saltcoats, be refused.

3. TDL/943 Kenneth Fleetham

The Committee at its meeting held on 8 April 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was not present at the Hearing. Representatives from Strathclyde Police were also in attendance.

The Solicitor set out the background to the hearing as previously intimated in writing to the applicant. The Representatives from Strathclyde Police then addressed the Committee on the terms of letters dated 17 March and 7 April 2008 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions.

The representatives from Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to suspend the licence for the unexpired portion of the duration of the licence in terms of Paragraph 11 (9) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. TDL/1188 Kenneth Alexander MacDonald

The Committee at its meeting held on 8 April 2008 unanimously agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was not present at the Hearing. Representatives from Strathclyde Police were also in attendance.

The Solicitor set out the background to the hearing as previously intimated in writing to the applicant. The Representatives from Strathclyde Police then addressed the Committee on the terms of a letter dated 17 March 2008 setting out the observations of the Chief Constable of Strathclyde Police on the applicant's previous convictions

The representatives from Strathclyde Police then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee unanimously agreed to suspend the licence for the unexpired portion of the duration of the licence in terms of Paragraph 11 (11) of Schedule 1 of the Civic Government (Scotland) Act 1982.